IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9615 OF 2004

Kumar Shridhar Harshe .. Petitioner.
Vs.
The Business Cooperative
Bank Ltd. & Ors. .. Respondents.

Mr.Ramesh Dube Patel for the petitioner.

CORAM : D.B.BHOSALE, J.

DATED : 9TH DECEMBER, 2004

P.C.:

. Heard Mr.Patel, learned counsel for the petitioner.

2. Mr.Patel, learned counsel for the petitioner submits that though properties of all the judgment debtors have been attached by respondent no.1 - bank in pursuance of the award dated 10.9.2003, the bank may be directed to recover the decreetal amount first from the borrowers. The petitioner, according to Mr.Patil, was a guarantor. I perused the award. Paragraph 4 thereof reads thus:

> "4. While recovering the decreetal amount from opponents, it should be first recovered from borrowers by all measures

and if not recovered then from guarantors".

3. Keeping the aforesaid observations in the award in view I do not deem it proper to give directions as prayed for. The respondent-bank is expected to recover the decreetal amount first from the borrowers. With these observations the writ petition is disposed of.

(D.B.Bhosale, J.)